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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,721	05/25/2004	Chengshing Lai	11481-US-PA	3720
31561	7590	03/07/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,721

Applicant(s)

LAI ET AL.

Examiner

Jefferey F Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (United States Patent 5,606,593) in view of well know prior art (MPEP 2144.03).

Regarding **claim 1**, Smith discloses an apparatus and method for automatically returning a telephone set to an on-hook condition. In addition, Smith discloses a method of automatically switching a telephone system to an on-hook state, the telephone system comprising a circuit, the method comprising; monitoring the telephone system to determine whether the telephone system operates in a normal use state; and switching the circuit to said on-hook state if the telephone system operates not in the normal use state, as disclosed at column 6, line 26 through column 7, line 17, however, Smith fails to disclose a spring circuit. Smith does disclose that other equivalent switches could be used instead, as disclosed at column 6, lines 58-68. However, the examiner takes official notice of the fact that it was well know in the art to provide spring circuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith by specifically providing a spring circuit, for the purpose of providing a latching type to save power.

Regarding **claim 2**, Smith and well known prior art discloses everything claimed as applied above (see claim 1), in addition Smith discloses monitoring the spring circuit to determine whether said spring circuit is in said off-hook state, and switching the spring circuit to the on-hook state only when the spring circuit is in the off-hook state, as disclosed at column 6, line 26 through column 7, line 17.

Regarding **claim 3**, Smith and well known prior art discloses everything claimed as applied above (see claim 1), in addition Smith discloses wherein the step of switching the spring circuit to the on-hook state is performed only when the telephone system has operated not in the normal use state for a predetermined time, as disclosed at column 6, line 26 through column 7, line 17.

Allowable Subject Matter

2. ***Claims 4 and 5*** are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claim 4**, the prior art of record discloses an automatic on-hook telephone system, comprising: a telephone, having a spring circuit; coupled to the telephone, for monitoring the telephone system to determine whether the telephone system is operating in a normal use state; a timer, coupled to the telephone, for counting a time of telephone operating in an abnormal use state and is longer than generating a control signal when the time a predetermined time; and an electronic switch, coupled to the telephone, for switching the spring circuit to the on-hook state in

response to the control signal, however the prior art of record fails to disclose or fairly suggest an audio monitor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kiel (United States Patent 4,922,529) discloses an automatic hang-up apparatus for restoring service to off-hook telephones.

Linsker (United States Patent 5,592,529) discloses a telephone inadvertent off-hook condition detector.

Hwang (United States Patent 5,923,748) discloses a telephone device for preventing a long-term on-line state resulting from the handset being unintentionally off-hook.

Vallelonga, Sr. et al. (United States Patent 5,612,997) discloses an off-hook disconnect and reconnect ringer device.

McCracken, Sr. et al. (United States Patent 6,744,873) discloses a telephone accessory device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jefferey F Harold
Examiner
Art Unit 2644



JFH
March 3, 2005